

Update: Sexual Assault Benchbook

CHAPTER 4

Defenses To Sexual Assault Crimes

4.7 Consent

A. Applicability to Criminal Sexual Conduct Offenses

Add the following text to the end of the first paragraph on page 217:

Consent is not a defense to first-degree criminal sexual conduct under MCL 750.520b(1)(c) (penetration under circumstances involving the commission of any other felony) if consent is not a valid defense to the underlying felony. *People v Wilkens*, ___ Mich App ___, ___ (2005). Consent is not a defense to the felony of producing child sexually abusive material, MCL 750.145c(2), and therefore not a defense to MCL 750.520b(1)(c). *Wilkens, supra* at ___.